

ORDER OF THE COURT

(Fourth Chamber)

of 26 May 2005

in Case C-297/03: Reference for a preliminary ruling from the Oberster Gerichtshof in Sozialhilfeverband Rohrbach v Arbeiterkammer Oberösterreich, Österreichischer Gewerkschaftsbund ⁽¹⁾

(Article 104(3) of the Rules of Procedure — Directive 2001/23/EC — Transfers of Undertakings — Possibility of relying on a directive against individuals — Employee opposition to the transfer of their contracts to the transferee)

(2005/C 182/35)

(Language of the case: German)

In Case C-297/03: reference for a preliminary ruling under Article 234 EC from the Oberster Gerichtshof (Supreme Court) (Austria), made by decision of 4 June 2003, received at the Court on 10 July 2003, in the proceedings between **Sozialhilfeverband Rohrbach** and **Arbeiterkammer Oberösterreich, Österreichischer Gewerkschaftsbund** — the Court (Fourth Chamber), composed of K. Lenaerts, President of the Chamber, N. Colneric (Rapporteur) and J. N. Cunha Rodrigues, Judges; P. Léger, Advocate General; R. Grass, Registrar, made an order on 26 May 2005, the operative part of which is as follows:

1. A limited company governed by private law, the only shareholder of which is a social assistance association governed by public law, belongs to those entities subject to Article 3(1) and the first sentence of Article 1(1)(c) of Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses.
2. A state entity which transfers its operations cannot rely on Articles 3(1) and 1(1)(c) of Directive 2001/23 against its employees in order to force them to continue their employment relationships with a transferee.

⁽¹⁾ OJ C 226 of 20.9.2003.

ORDER OF THE COURT

(Fourth Chamber)

of 15 March 2005

in Case C-553/03 P: Panhellenic Union of Cotton Ginners and Exporters v Commission of the European Communities and Hellenic Republic ⁽¹⁾

(Appeal — State aid — Action for annulment — Article 119 of the Rules of Procedure)

(2005/C 182/36)

(Language of the case: English)

In Case C-553/03 P: Panhellenic Union of Cotton Ginners and Exporters (lawyers: K. Adamantopoulos and J. Gutiérrez Gisbert), with an address for service in Luxembourg, the other parties to the proceedings being: Commission of the European Communities (Agent: N. Khan) and Hellenic Republic (Agents: V. Kontolaimos and I. Chalkias) — appeal pursuant to Article 56 of the Statute of the Court of Justice, lodged on 30 December 2003 — the Court (Fourth Chamber), composed of K. Lenaerts, President of the Chamber, J.N. Cunha Rodrigues (Rapporteur) and E. Juhász, Judges; L.A. Geelhoed, Advocate General; R. Grass, Registrar, made an order on 15 March 2005, the operative part of which is as follows

1. The appeal is dismissed.
2. Panhellenic Union of Cotton Ginners and Exporters shall bear its own costs and shall pay those incurred by the Commission of the European Communities in these proceedings.
3. The Hellenic Republic shall bear its own costs.

⁽¹⁾ OJ C 59 of 06.03.2004.